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By: **Delegates Frush, Bronrott, Dumais, and Moe**  
Introduced and read first time: February 7, 2003  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Black Bear Hunt - Moratorium**

3 FOR the purpose of prohibiting the Department of Natural Resources from  
4 establishing an open season to hunt black bears until a certain date; prohibiting  
5 the Department from reducing the black bear population in the State, subject to  
6 a certain exception, until a certain date; prohibiting a person in certain counties  
7 from hunting black bears until the Department establishes an open season to  
8 hunt black bears; classifying black bears as nongame mammals until a certain  
9 date; requiring the Department to conduct a certain survey and report the  
10 findings to the Governor and certain committees of the General Assembly on or  
11 before a certain date; providing for a delayed effective date for certain provisions  
12 of this Act; altering a certain definition; and generally relating to a moratorium  
13 on an open season to hunt black bears.

14 BY repealing and reenacting, without amendments,  
15 Article - Natural Resources  
16 Section 10-101(a), (i), (n), and (o)  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume and 2002 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Natural Resources  
21 Section 10-101(f), 10-206, 10-301(a), and 10-405(a)  
22 Annotated Code of Maryland  
23 (2000 Replacement Volume and 2002 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article - Natural Resources  
26 Section 10-101(f)  
27 Annotated Code of Maryland  
28 (2000 Replacement Volume and 2002 Supplement)  
29 (As enacted by Section 1 of this Act)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Natural Resources**

4 10-101.

5 (a) In this title the following words have the meanings indicated.

6 (f) "Forest game birds and mammals" means forest game birds (ruffed grouse  
7 and turkey) and forest game mammals ([black bears,] deer, fox squirrels, excluding  
8 the Delmarva subspecies, and gray and red squirrels) or any part, egg, offspring, or  
9 dead body of any of them.

10 (i) "Game birds or mammals" means the species defined as forest game birds  
11 and mammals, fur-bearing mammals, upland game birds and mammals, and wetland  
12 game birds or any part, egg, offspring, or dead body of any of them.

13 (n) "Nongame birds and mammals" means every wild mammal and bird not  
14 classified as game birds and mammals or any part, egg, offspring, or dead body of any  
15 of them.

16 (o) (1) "Open season" means the time when a person lawfully may hunt  
17 game birds and mammals.

18 (2) "Open season" includes both the first and last day of the season or  
19 period designated by this title.

20 10-206.

21 (A) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
22 SUBSECTION, THE Department may reduce the wildlife population in any county,  
23 election district, or other identifiable area of the State after a thorough investigation  
24 reveals that protected wildlife is seriously injurious to agricultural or other interests  
25 in the affected area.

26 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE  
27 DEPARTMENT MAY NOT REDUCE THE BLACK BEAR POPULATION IN ANY AREA OF  
28 THE STATE UNTIL ON OR AFTER JULY 1, 2009.

29 (II) UNTIL JULY 1, 2009, THE DEPARTMENT MAY KILL A BLACK BEAR  
30 ONLY:

31 1. IN DEFENSE OF A PERSON, THE PROPERTY OF A PERSON,  
32 OR DOMESTICATED ANIMALS ON THE PROPERTY OF A PERSON; AND

33 2. AFTER EXHAUSTING ALL NONLETHAL METHODS OF  
34 RESOLVING PROBLEMS CAUSED BY THE BLACK BEAR.

1 (B) The method of reducing the wildlife population is at the Department's  
2 discretion, except that trapping is preferred whenever feasible.

3 (C) The Department shall dispose of wildlife taken pursuant to the provisions  
4 of this section as the Department deems advisable.

5 10-301.

6 (a) (1) To provide a fund to pay the expense of protecting and managing  
7 wildlife, and preventing unauthorized persons from hunting them, a person may not  
8 hunt or attempt to hunt during open season and in any permitted manner any game  
9 birds and mammals in the State without first having procured either a resident or  
10 nonresident hunter's license. [A person may not hunt or attempt to hunt nongame  
11 birds and mammals in Baltimore County or Frederick County without first obtaining  
12 a license. A permanent resident of a government reservation may obtain a resident  
13 hunter's license.]

14 (2) A PERMANENT RESIDENT OF A GOVERNMENT RESERVATION MAY  
15 OBTAIN A RESIDENT HUNTER'S LICENSE.

16 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A  
17 PERSON MAY NOT HUNT OR ATTEMPT TO HUNT NONGAME BIRDS AND MAMMALS IN  
18 BALTIMORE COUNTY OR FREDERICK COUNTY WITHOUT FIRST OBTAINING A  
19 LICENSE.

20 (II) A PERSON MAY NOT HUNT BLACK BEARS IN BALTIMORE  
21 COUNTY OR FREDERICK COUNTY UNTIL THE DEPARTMENT ESTABLISHES AN OPEN  
22 SEASON UNDER § 10-405(A)(2) OF THIS TITLE.

23 10-405.

24 (a) (1) Pursuant to § 10-205 of this title, AND SUBJECT TO PARAGRAPH (2)  
25 OF THIS SUBSECTION, the Department shall establish by regulation and publish by  
26 July 1 each year the open season, excepting Sundays, to hunt the forest and upland  
27 game birds and mammals.

28 (2) THE DEPARTMENT MAY NOT ESTABLISH AN OPEN SEASON TO HUNT  
29 BLACK BEARS UNTIL ON OR AFTER JULY 1, 2009.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
31 read as follows:

32 **Article - Natural Resources**

33 10-101.

34 (a) In this title the following words have the meanings indicated.

35 (f) "Forest game birds and mammals" means forest game birds (ruffed grouse  
36 and turkey) and forest game mammals (BLACK BEARS, deer, fox squirrels, excluding

1 the Delmarva subspecies, and gray and red squirrels) or any part, egg, offspring, or  
2 dead body of any of them.

3 SECTION 3. AND BE IT FURTHER ENACTED, That on July 1, 2008, the  
4 Department of Natural Resources shall commence a survey of the black bear  
5 population in Maryland using the most effective science and technology available at  
6 that time. The Department shall report the findings of its survey to the Governor and,  
7 in accordance with § 2-1246 of the State Government Article, to the House  
8 Environmental Matters Committee and the Senate Education, Health, and  
9 Environmental Affairs Committee on or before December 1, 2008.

10 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
11 take effect July 1, 2009.

12 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in  
13 Section 4 of this Act, this Act shall take effect July 1, 2003.